

REMARKS

Claims 1, 3-7, and 9-12 remain pending, and claims 2 and 8 are canceled. Claims 1, 4, and 7 are currently amended. No claims are added. The specification is also amended.

The drawings stand objected to under 37 C.F.R. § 1.84(p)(5). Applicant overcomes the objection by amending the specification appropriately. Accordingly, withdrawal of the objection is now requested.

Claims 1-4, 6-10, and 12 stand rejected under 35 U.S.C. § 102(e) as anticipated by *Eisenhart* (U.S. Published Patent Application No. 2001/0047276). Regarding claims 2 and 8, those claims are now canceled, thereby rendering their rejection moot. Regarding the remaining claims, applicant respectfully submits that the rejection should now be withdrawn.

Claim 1, as amended, describes an open research and development method that includes the steps of:

selecting members for which provision of information is to be requested,
by utilization of information about the members registered in the membership
database; then

requesting the selected members to offer engineering information by way
of the communications network.

Original claim 2 recited similar subject matter. However, claim 1 now includes the term “then” to emphasize that the steps are performed in the order recited. (It should be clear, though, that even without the term “then,” information could not be requested from selected members *before* they are selected.)

Claim 2 had been rejected based on *Eisenhart* paragraphs [0014] and [0033] of *Eisenhart*. In paragraph [0014], *Eisenhart* discloses that its system decides which members would likely be a good match for a requesting member. However, the system only considers members that have already provided information about themselves. Applicant finds no teaching that the system

requests additional information (analogous to the second claim step quoted above) *after* the system has already performed a preliminary selection among the general database of members (the preliminary selection being analogous to the first claim step quoted above).

In contrast to the *Eisenhart* method, the applicant's invention includes a method in which members are selected before *asking* those members to provide information. Claim 1, as amended, describes this distinguishing subject matter, and claims 3, 4, and 6 depend from claim 1. Accordingly, the rejection of claims 1, 3, 4, and 6 should be withdrawn.

Claim 7, as amended, describes an open research and development system that includes:

means for selecting members for which provision of information is to be requested, by utilization of information about the members registered in the membership database;

means for then requesting the selected members to offer engineering information by way of the communications network.

Original claim 8 recited similar subject matter. Now, claim 7 includes the term "then" to emphasize the order of processing. Based on the discussion above, it should be clear that *Eisenhart* does not disclose such a system.

Accordingly, the rejection of claim 7 should be withdrawn. Because claims 9, 10, and 12 depend from claim 7, the rejection of claims 9, 10, and 12 should also be withdrawn.

Claims 5 and 11 stand rejected under 35 U.S.C. § 103(a) as obvious over *Eisenhart*. The rejection relies on *Eisenhart* anticipating parent claims 1 and 7, respectively.

However, as explained above, the anticipation rejection of claims 1 and 7 should be withdrawn. Therefore, the obviousness rejection of claims 5 and 11 should be withdrawn for at least this reason.

In view of the remarks above, applicant now submits that the application is in condition for allowance. Accordingly, a Notice of Allowability is hereby requested. If for any reason it is

believed that this application is not now in condition for allowance, the Examiner is welcome to contact applicant's undersigned attorney at the telephone number indicated below to discuss resolution of the remaining issues.

If this paper is not timely filed, applicant petitions for an extension of time. The fee for the extension, and any other fees that may be due, may be debited from Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Joseph L. Felber", written in a cursive style.

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